



STATE OF UTAH
NATURAL RESOURCES
Oil, Gas & Mining

Norman H. Bangerter, Governor
Dee C. Hansen, Executive Director
Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

June 24, 1985

CERTIFIED RETURN RECEIPT REQUESTED
(P402 457 191)

Mr. Eldon Pierce
General Partner
JUDCO
1300 East 459 North, Suite 6
St. George, Utah 84770

Dear Mr. Pierce:

RE: Request for Submittal of Notice of Intention to Commence
Mining Operations and Mining and Reclamation Plan,
Washington County, Utah

On May 23, 1985, Division personnel visited your operation on the Christy Tailings Dump in Township 41 South, Range 13 West, Section 6. Unpermitted mining activities associated with preparation for heap leaching old mine tailings were occurring at that time. You indicated that you had been advised by your lawyers that old mine tailings were not considered a mineral deposit and, therefore, not under the jurisdiction of the Utah Mined Land Reclamation Act of 1975.

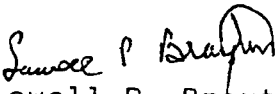
The question of whether old tailings piles constitute a mineral deposit as defined under Section 40-8-4(3) of the Act has been addressed in a previous case presented by Mr. Tom Miller, United Silver Mines, before the Board of Oil, Gas and Mining. The Board unanimously agreed that mining of tailings should follow the regular procedure set forth under the Utah "Mining and Reclamation Plan and Notice of Intention to Commence Mining" be submitted (see Minutes, Utah Board of Oil, Gas and Mining, July 20, 1977, filed under Vipont Mine, ACT/003/005). This decision would set precedent for other operations which mine tailings.

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Therefore, in order to bring your operation into compliance, please return the enclosed "Notice of Intention to Commence Mining Operations and Mining and Reclamation Plan" (MR-1 form) to the Division within 30 days from receipt of this letter.

If you have questions, please contact me.

Sincerely,


Lowell P. Braxton
Administrator
Mineral Resource Development
and Reclamation Program

SC/btb
Enclosure
cc: Ev Hooper
John Whitehead
8974R-23 & 24